

**STATE OF INDIANA – COUNTY OF MARSHALL  
IN THE MARSHALL CIRCUIT COURT AND SUPERIOR COURTS**

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**Notice of Proposed Amendment to Local Court Rule  
May 17, 2011**

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The judges of the courts of record of Marshall County have decided to amend their local rule at **LR 50-TR 79-MLR-009** concerning Special judge selection pursuant to Trial Rule 79(H) indicated below, and request Supreme Court approval. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for Local Rules concerning Special Judge Selection and may not take effect until approved by the Supreme Court.

The time period for the bar and the public to comment shall begin on **May 17, 2011**, and shall close on **June 17, 2011**. The proposed amendments to the rule will be adopted, modified or rejected after comments; and, the final version of the rules will be submitted to the Indiana Supreme Court for review and approval.

The effective date will be **July 1, 2011**.

Comments by the bar and the public should be made in writing and mailed, or emailed, to:

Hon. Curtis D. Palmer, Judge of the Marshall Circuit Court, Attn: Public Comment on Local Rules, 501 N. Center Street, Plymouth, Indiana 46563-1707; or  
curt@co.marshall.in.us.

A paper copy of the proposed amended local rule will be made available for viewing in the office of the Clerk of Marshall County, 211 W. Madison Street, Plymouth, Indiana 46563-1707 during normal business hours.

Persons with internet access may view the proposed amended local rules for Special Judge Selection at the following website:  
<http://www.courts.IN.gov/rules/local>

For the Courts of Record of Marshall County

\_\_\_\_\_/s/\_\_\_\_\_  
Curtis Palmer, Judge  
Marshall Circuit Court

**~~LR50-TR79-MLR-009~~**

*Coordinated Local Rule of Administrative District 2 which consists of Elkhart, Kosciusko, Marshall and St. Joseph Counties in compliance with Trial Rule 79(H) Adopted October 1, 1995*

1. ~~Reassignment of cases to special judges pursuant to T.R.79(H) shall be~~

~~administered by that judge of Administrative District 2 who is serving as an elected director of the Judicial Conference of Indiana, and if there is more than one such judge, by that judge who has the greatest judicial seniority.~~

1. ~~The administrative judge shall initially assign all judges within this~~

~~administrative district into four groups, as follows:~~

a. ~~**Group 1** shall consist of all judges to be assigned to cases involving case types **DR** and **PO**.~~

b. ~~**Group 2** shall consist of all judges to be assigned to cases involving case types **CP**, **CT**, and **SC**.~~

c. ~~**Group 3** shall consist of all judges to be assigned to cases involving case types **JC**, **JD**, **JS**, **JT**, **JP**, and **JM**.~~

d. ~~**Group 4** shall consist of all judges to be assigned to cases involving all other civil case types.~~

~~A judge may request removal from up to two groups if the workload of the court which that judge serves, as shown in the most recent annual report to the State Court Administrator, shows that less than five percent of that judge's caseload consists of cases included within the group from which that judge wishes to be removed.~~

1. ~~Senior judges and magistrates desiring to be appointed special judge may~~

~~request that their names be added to one or more groups.~~

1. ~~Upon receipt of notification from a trial judge that selection of a special~~

~~judge must be made pursuant to T.R.79(H), the administrative judge shall forthwith appoint, on a random basis, one of the judges within the pool for the relevant case type and shall notify both the special judge so appointed and the judge who requested appointment.~~

1. ~~Upon the assignment of a judge as special judge, that judge's name shall~~

~~be removed from all groups in which that judge's name appears and shall not be replaced until all names of other judges within that group have likewise been removed.~~

**Section 1- Cases involving a change of judge**

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the regular sitting judge shall name a panel pursuant to TR 79(F) consisting, whenever possible, of other Marshall County judges or full-time judicial officers, or senior judges assigned to the court. If a sufficient number of Marshall County judges or full-time judicial officers, or senior judges assigned to the court do not exist, then a panel shall be named including:

1. the available Marshall County judges or full-time judicial officers, or senior judges assigned to the court, and
2. judges or full-time judicial officers from courts within the administrative district as set forth in Administrative Rule 3, and
3. judges or full-time judicial officers from contiguous counties outside of the administrative district who have agreed to serve as a special judge in the court where the case is pending.

If none of the above methods produce a special judge, the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or full-time judicial officers eligible under Trial Rule 79(J) serving in the administrative district.

In cases in which no judge or full-time judicial officer is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

**Section 2- Cases involving recusal or disqualification of a judge**

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or full-time judicial officers from within the administrative district eligible under Trial Rule 79(J), or judges or full-time judicial officers from contiguous counties outside the administrative district who have agreed to serve as a special judge in the court where the case is pending in the administrative district.

In cases in which no judge or full-time judicial officer is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.